

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

CIT Bank, N.A.

Plaintiff,

-against-

ORDER ADOPTING R&R
17-CV-2135 (DRH)(AKT)

KERRY WILLIAMS, CAMILLA
WILLIAMS, and LR CREDIT 22, LLC

Defendants.

-----X

HURLEY, Senior District Judge:

INTRODUCTION

Presently before the Court is the Report and Recommendation (“R&R”), dated March 2, 2018, of Magistrate Judge A. Kathleen Tomlinson. Plaintiff moved for default judgment on August 22, 2017. This Court referred the motion to Judge Tomlinson on August 23, 2017. Judge Tomlinson held an inquest on January 17, 2018, and issued the R&R. On March 20, 2018, this Court denied Plaintiff’s motion for default judgment and terminated Judge Tomlinson’s R&R based on Plaintiff’s failure to comply with Judge Tomlinson’s order to serve a copy of the R&R “forthwith.” That same day, Plaintiff moved to vacate this Court’s Order for reasons that are not now relevant. Plaintiff thereafter filed an affidavit of service on April 5, 2018, and the Court granted the motion to vacate its Order denying the motion for default judgment.

In the R&R, Judge Tomlinson recommends that the Court (1) grant Plaintiff’s motion for default judgment; (2) enter a revised Judgment of Foreclosure and Sale to be submitted by Plaintiff that comports with the R&R’s recommendations; (3) set total damages in an amount of \$427,538.39; (4) and enter an Order that the property in question be sold in one parcel and that a Special Master be appointed to conduct a foreclosure sale. The time to file objections has expired, and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the March 2, 2018 R&R of Judge Tomlinson as if set forth herein.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for default judgment is granted and damages are hereby set in a total amount of \$427,538.39, consisting of the principal balance, pre-judgment interest, certain other delineated expenses and fees, along with post-judgment interest pursuant to 28 U.S.C. § 1961(a).

Plaintiff is directed to file a revised Proposed Judgment of Foreclosure and Sale that comports with the R&R on or before May 11, 2018. Plaintiff is also directed to provide the names of two proposed Special Masters by letter filed on or before that same date.

Dated: Central Islip, N.Y.
April 26, 2018

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge